

**NOTICE OF PUBLIC HEARING
DEPARTMENT OF GAME, FISH AND PARKS**

A Public Hearing will be held at the Rapid City – Outdoor Campus West, 4130 Adventure Trail, Rapid City, SD 57702 on April 4, 2019 at 2:00 PM (MST), to consider adoption, amendment and repeal of Rules pertaining to:

1. ARSD 41:06:56:02 – Open Units (Bighorn Sheep Hunting Season)

Effect: The proposed change would alter the boundary of an existing unit as described in rule.

Reason: The modification is needed in order to more accurately represent the management boundary working with the tribal fish and wildlife agency from the Oglala Sioux Parks and Recreation Authority.

2. ARSD 41:06:47:01 – Special Custer State Park antlerless elk hunting season established

Effect: The proposed change would close the antlerless elk units listed in ARSD 41:06:47:01.

Reason: The Custer State Park antlerless elk hunting season was opened in 2017 to help study the prevalence rates of CWD in these units. However, since that time, a comprehensive CWD action plan has been drafted and the need to determine prevalence rates in those units is no longer necessary. Elk have also dispersed from the area as a result of the Legion Lake fire and opportunity has been minimized.

3. ARSD 41:03:03 – (Park license and trail use pass) and ARSD 41:06:01 (Application for license)

Effect: The proposed changes would allow for an individual who submits a habitat solution and such solution is deemed worthy by the Secretary may receive either authorization to access the state park system or hunt small game without a fee for one calendar year.

Reason: Under Governor Noem's Second Century Initiative, the Department is using crowdsourcing to solicit ideas to create more and better habitat. As an incentive, if an individual's idea is used they will receive authorization to access the state park system or hunt small game without a fee for one calendar year.

4. ARSD 41:06:02:03 - (Fee Schedule) and ARSD 41:06:20:02.01 (West River Special any deer license)

Effect: The proposed changes would establish a resident special any whitetail deer license and set a fee. The proposed changes would also establish a nonresident special any whitetail deer license and set a fee. There would be a set number of licenses for both resident and nonresident licenses.

Reason: The rule change would allow for greater opportunity for individuals that have permission or who pay a fee to hunt deer on private land to be successful in drawing an a license.

5. ARSD 41:06:01 - (Application for license), ARSD 41:06:02:03 (Hunting license fees), and ARSD 41:06:62 (New Chapter)

Effect: The proposed changes would set application fees and create one Custer State Park any bison license and three super license packages that include tags for one any elk, one any deer, and one any antelope. These licenses would be drawn through a lottery process with an individual able to submit as many non-refundable applications as they desire.

Reason: Similar lottery drawings in neighboring states have proven to be a great source to raise revenue for habitat projects. Under Governor Noem's Second Century initiative, this stream of revenue could be used to further the habitat goals of the initiative.

6. ARSD 41:08:02:13 – Traps to be rendered inoperable – removal of trapping devices.

Effect: The proposed change would extend the date from May 1 to August 31 that traps, snares and associated equipment may be used on public lands and improved road rights-of-ways. The rule would also require that the traps, snares and associated equipment must be actively operated and checked in accordance to trap-check rules.

Reason: Modification of the current rules would allow trappers to use traps and snares on public lands and improved road rights-of-ways for a longer period of time. Public lands hold some of the best nesting habitat for upland game bird population.

7. ARSD 41:08:03 – Bounties

Effect: The proposed change would outline the guidelines of the Nest Predator Bounty Program that will be implemented by the Department this spring.

Reason: For purposes of transparency and public input, rule promulgation of this program is desired to gain the maximum amount of input from the public. Also, by having the program promulgated in rule, it gives law enforcement authorities greater flexibility in ensuring compliance.

8. ARSD 41:03:01:01.02 – Time restrictions for use of state park system

Effect: The proposed rule change would simplify the times that the park system is open for use.

Reason: Currently, there are two sets of times in which the state park system is open dependent on the date of the year. The Department strives to simplify rules and determined this bifurcation was unnecessary and proposes one set of times that the park is open and closed.

9. ARSD 41:03:01:07 – Commercial use prohibited

Effect: The proposed rule change would simplify the definitions of commercial use and limit the restriction to the state park system. The proposed rule would also establish a

uniform pricing fee for those who wish to participate in commercial activities within the state park system.

Reason: Under previous rule, there were was not a set fee structure and it was determined for transparency and consistency purposes that a set fee structure would benefit the public.

10. ARSD 41:03:01:15 – Camping in state park, recreation area, and state lakeside use area

Effect: The proposed change would strike out the “fifteen day” limitation and change it to “fourteen nights.”

Reason: The change would make the rule consistent with language used in a related chapter.

11. 41:03:01:16.01 – Uncased .22 caliber rimfire firearms prohibited

Effect: The proposed change would repeal this administrative rule that prohibits uncased .22 caliber rimfire firearms in the state park system.

Reason: There are currently sufficient firearms restrictions within the regulatory system that address the concerns of uncased .22 caliber rimfire firearms. The repeal would allow additional hunting opportunities.

12. 41:03:01:19 – Limitation on tree stands, elevated platforms, and portable blinds.

Effect: The proposed rule change would alter the dates that tree stands, elevated platforms and portable blinds would be allowed in the park.

Reason: The date change would accommodate the September 1 archery season opening day. Also, the later date for removal would give hunters a longer time to remove the tree stands to accommodate for severe weather that may make their removal dangerous or impossible.

13. ARSD 41:03:03:03.01 – Park entrance license exemptions

Effect: The proposed rule change would allow any enrolled Crow Creek tribal member and their family to enter West Bend Recreational Area without a park entrance license.

Reason: West Bend Recreational Area is located entirely within the boundaries of the Crow Creek reservation. Outdoor recreational opportunities such as those offered at West Bend, are limited on the Crow Creek reservation. This would provide an opportunity for more youth involvement in outdoor recreational opportunities.

14. ARSD 41:03:03:04 – Time limits on daily license

Effect: The proposed change would simplify the times and dates a park entrance license is valid. Currently, there are two sets of dates with different time restrictions. The change would set time restrictions that are valid for the entire year.

Reason: The change simplifies the rules for users so they do not have to be aware of what the date is in order to determine the validity of their park entrance license.

15. ARSD 41:03:05:02 – Trail user service fee exemptions

Effect: The proposed change would allow South Dakota veterans organizations or groups to participate in permitted group activities on the Mickelson Trail without purchasing a trail pass.

Reason: The Department of Game, Fish and Parks supports and appreciates our military veterans and service members. This would be an expansion of an exemption that is already granted to similar veteran groups and organizations for the state park system.

16. 41:03:05:03 – Trail user service fees and issuance of trail user pass

Effect: The proposed change would remove the \$15 annual pass late fee.

Reason: The change would allow a user without a pass the option to purchase a daily pass or an annual pass depending on the length they plan to use the trail.

17. 41:03:05:06 – Display of trail user pass

Effect: The proposed change would remove the \$15 annual pass late fee.

Reason: The change would allow a user without a pass the option to purchase a daily pass or an annual pass depending on the length they plan to use the trail.

Interested persons will be given reasonable opportunity to submit data, opinions, arguments, and their views, either orally or in writing (or both) at the hearing. Persons unable to attend the hearing may mail data, opinions, arguments, and their views to the office of the Secretary of the Department of Game, Fish, and Parks, Foss Building, 523 East Capitol, Pierre, South Dakota 57501, or by going to the GFP website at <http://gfp.sd.gov/forms/positions>. All persons who desire to submit written data, opinions, arguments, and their views by mail or email are encouraged to mail or transmit the same in sufficient time so that it is received by and in the office of the Secretary of the Department of Game, Fish, and Parks 72 hours prior to the date of the hearing. Interested persons will be given reasonable opportunity to submit data, opinions, arguments and their views, either orally or in writing (or both) to the Commission for their consideration. All written and email comments must include the name, home town/city, and state of the person submitting the comments.

The above rule proposals are available for review on the internet by going to <https://rules.sd.gov/> and copies of the proposed rules may be requested from the office of the Secretary of the Department of Game, Fish, and Parks, Foss Building, 523 East Capitol, Pierre, South Dakota 57501. Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Any individuals with disabilities who will require a reasonable accommodation in order to participate in the hearing should submit a request to the undersigned at 605.773.3718 or 605.223.7684 (Telecommunication Device for the Deaf).

Dated this 12th day of March, 2019.



Kelly R Hepler

Kelly R. Hepler, Secretary

This Notice of Public Hearing is published at the approximate cost of \$_____.